

**Notes of a meeting of the Leicestershire Local Access Forum held at
County Hall, Glenfield on Thursday 4 August 2011.**

Present

Mr. R. Denney (Chair), Mr. B. Sutton, Mrs. R. Camamile, Mr. A. Hillier-Fry, Mr. S.J. Warren, Mrs. V. Allen, Mrs. H. Brown, Mr. T. Kirby, Mr. P. Tame, Mr. J. Law, Dr. G. Mason, Mr. M. Parr and Mrs. A.F. Pyper.

Officers in attendance

Mr. E. McWilliam and Mr. P. Hitchings.

Action by

496. Chairman's welcome

The Chairman welcomed members to the meeting.

497. Apologies for absence

Apologies for absence were received from the following members and officers:

Mrs. L. A. S. Pendleton
Mr. H. Eppel
Mrs. L. Forman
Mr. P. Williams

498. Minutes of the previous meeting

AGREED:

That the minutes for the meeting held on 25 May 2011 were confirmed as a correct record.

499. Matters arising from the minutes not otherwise on the agenda

480: Newhurst Quarry

As a member of the County Council's Development Control & Regulatory Board Mrs Camamile declared a personal and non-prejudicial interest in this item as she might be involved in a future decision on the matter and therefore would not speak in relation to the item.

It was reported that officers had been given the opportunity to comment on the new Biffa application. The original comments had been reiterated.

481: Recreational Use of Quarries

No further update was currently available as information from the previous stakeholder event was being collated. Concern was expressed that no progress had been made on the matter for some time.

491: Orders Updates

It was reported that concern had been expressed by a local resident with regard to the temporary path diversion at Castle Donington which was referred to in the Orders Update given at the last meeting. On investigation the route seemed to differ from that reported at the last meeting, had been closed too early and incorrect signage displayed.

The Forum was advised that in a matter of days after the complaint was made the appropriate route had been established and correct signage displayed.

487: Leicestershire Walking Week

It was reported that there were proposals to establish a meeting to review the feedback from Walking Week 2011 in an effort to plan and prepare for 2012. It was suggested that feedback forms should be made more readily available for those taking part in the future.

477: Open Access: Mountsorrel Common

There were still concerns about the poor maintenance of grassed areas on Mountsorrel Common; however it was not clear whose responsibility it was to maintain these areas.

AGREED:

That officers be requested to investigate whose legal responsibility it was to maintain the grassed areas of Mountsorrel Common. **EM**

477: East Midlands Road Users and Environment Committee

It was reported that Mr Kirby and Mrs Allen had attended the Committee meeting held on 1 July 2011 at Leicester City Council, rather than at County Hall as previously stated. The Committee had considered the substantial cuts affecting highways budgets and the results of a non-motorised vehicles audit. Leicester City Council had set an aspirational target of building cycle lanes on both sides of the road on all appropriate roads. This was as a result of changes to the lighting on roads in Leicester City to adopt LED lighting. The target was welcomed by the Forum.

477: Local Sustainable Transport Fund (LSTF)

Decisions regarding the first round of submissions had been made. Leicestershire County Council did not submit a bid during this round however Leicester City Council had submitted a bid which would involve elements of partnership working with the County Council. The bid, a project called 'Fit For Business' which focused on the Narborough Road corridor, had been successful. A press release with further details of the project was read, verbatim, at the meeting and a copy is filed with these minutes. It was noted that the Leicester City Local Access Forum had not considered the project.

AGREED:

That a copy of the press release be circulated with the minutes of the meeting. **PH**

500. Declarations of Interest

Mr Warren declared a personal interest in item 19 as he was the applicant of order number M776 (report D refers).

501. Items Updates

It was reported that Steve Roberts, Lead Advisor for the North and Midlands Team, Natural England, would be representing the organisation at future meetings of the Forum. Mr Roberts would be advised of the schedule of meetings of the Forum but it was as yet unknown how frequently he would attend meetings.

502. Members' Contact Details

The Forum considered a document setting out members' contact details.

AGREED:

(a) That members be requested to review their contact details and to inform Mr Hitchings of any changes required; **ALL**

(b) That an updated version of members' contact details be circulated with the minutes. **PH**

503. Working Groups – HLS Scheme Update

The Forum considered the Working Group arrangements for members of the Forum; in particular proposals for how to respond to changes to HLS Schemes.

Mr Law reported that surveys had been undertaken on 11 of the sites where a scheme had been identified; he thanked those who had contributed to these surveys. It was now necessary to identify and designate those routes which were of particular value. Some of the

schemes would come to an end imminently and so immediate action was required if these were designated as of value.

Mr Law proposed that, in cases where a route was designated as valuable, the Forum should request Natural England to contact the site provider and ask for details of the scheme to be passed onto the Forum (it would not be possible for Forum members to contact site providers directly in the first instance). Forum members would contact the provider and ask if they were willing to continue their scheme. Subject to the provider's agreement the Forum would facilitate a discussion between the site provider and local Parish Council.

Arising from discussion the following comments were noted:

- Mr Tame advised the Forum that he had attempted to contact members of the Farmers Union whose land contained such a route to ascertain what course of action they would be taking once the scheme was discontinued. He had received very few responses; one respondent suggested that they would continue their scheme as the route was locally popular; one suggested that they would reluctantly stop granting access; and one respondent was not willing to give information about their intentions. Mr Tame suggested that these opinions likely reflected the views of the wider farming community;
- It was reiterated that draft advice to farmers from Natural England regarding farmers' insurance obligations would deter farmers from choosing to continue to allow access on their land. In reality all farmers would be covered by insurance for all but extreme circumstances;
- It was suggested that the Forum should only attempt to facilitate such a discussion if a site provider indicated that they would discontinue access if the scheme's financial incentive was removed, although it was suggested that it was not appropriate for the Forum itself to become financially involved in schemes;
- Concern was expressed that involving too many parties in discussions might initiate problems rather than solve them. It might be more appropriate for the Forum to send letters to each parish council informing them of the schemes which were due to come to an end in their location and offering them the Forum's support and advice. Ideally parishes should be informed 8-9 months before a scheme was due to end;
- It was suggested that the Forum should focus on those 'strategic' routes which connected across a number of parishes. In cases where only a single parish was affected that parish, and perhaps neighbouring parishes, should be informed of the particular scheme's end date;

- It was possible to identify routes which were of 'strategic' value through a desktop exercise, although it was difficult to measure footfall on a route without visiting the location;

AGREED:

That Mr Law and Mr Warren be requested to draft letters to parish councils, in consultation with Mr Denney and Mr McWilliam, providing them with details of HLS schemes in the vicinity which are due to come to an end and informing them of ways in which the Forum can offer support.

**JL, SW,
RD, EM**

504. List of Streets

Mrs Allen circulated a note regarding unsealed Unclassified County Roads (UCRs) in Leicestershire. A copy of the note is filed with these minutes.

It was reported that a decision letter from the Planning Inspectorate sent in July 2011 regarding a restricted byway in Little Stretton raised issues with the way the County Council maintained its list of streets, suggesting that the Authority neither met the requirements of the NERC Act nor tests imposed by the recent 'Fortune' judgement. An extract from the letter was included within the note referred to above.

The Forum was advised that it would be impossible for local authorities to meet the requirements of the NERC Act which were amplified in the 'Fortune' judgement, since the question in law was the state of the list at the time of the enactment of the legislation. The NERC Act 2006 had been established based upon the assumption that all local authorities maintained a list of streets in a particular format; this was not the case for many local authorities.

It was suggested that farmers might be entitled to plough 'Lost Ways'. The Forum was advised that the issue was whether the routes in question were public highways that had come into being. It did not matter if they were recorded on a Definitive Map or the list of streets. There was no right to plough any highway, except cross field footpaths and bridleways in accordance with rules of good husbandry.

AGREED:

That the information be noted.

505. Natural and Historic Environment Partnership

Arrangements for the Natural and Historic Environment Partnership were being progressed. Any new developments would be reported in due course.

AGREED:

That the information now provided be noted.

506. Heart of the Forest Foundation (HOFF)

The Forum received an update on work being undertaken by the Heart of the Forest Foundation (HOFF). The HOFF had recently met for a second time. The purpose of the meeting was to establish areas of priority for the body and to establish achievable targets. The HOFF had also taken initial steps to identify which routes were of particular importance in the area for linking with wider networks outside of the area.

Details of the area covered by the HOFF were held by Peter Williams. Those who wished to join the group were asked to contact Mr Williams in the first instance but members were advised that the group was specifically looking at cycling routes.

AGREED:

That the update be noted.

507. National Forest Long Distance Trail

The Forum received an update on the National Forest Long Distance Trail. The project had reached a development stage whereby officers, and a number of members of the Forum, were walking the route in an effort to identify where furniture and signage was required and where various hazards existed. It was the intention that a grant would be sought once all requirements had been identified and costed.

AGREED:

That the information now provided be noted.

508. ROWIP Action Plan

The Forum considered a draft of the County Council's Rights of Way Improvement Plan Action Plan Refresh 2011-16. Copies of the document were circulated to members at the meeting a copy of which is filed with these minutes.

Mr McWilliam explained that, alongside the introduction of the Local Transport Plan in 2006 the Authority produced a Rights of Way Improvement Plan (ROWIP) with an Action Plan. Following the introduction of LTP3 it was seen as appropriate to renew the ROWIP Action Plan for the period 2011-16.

Forum members' views were being sought. There had been some discussion regarding the ROWIP Action Plan at the previous Forum workshop. It was suggested that, if necessary, a subgroup should be established to consider the delivery of the Actions in the plan over the next 5 years.. Interest was sought from the members.

Arising from discussion the following points were noted:

- Officers in the rights of way team worked closely with colleagues in the Environment and Transport Department to ensure that improvements to the rights of way network were undertaken in the most appropriate places, for example on routes which children were required to walk to school;
- Improvements to the rights of way network would also be supported by the County Council adopting a more robust approach in requiring private landowners to remove obstructions to public footways. The Grass Verges Subgroup had considered such matters and concern was expressed that the information arising from the work of the subgroup was not being used by officers;
- Members commended the County Council on the quality of grass cutting services operated across the County.

AGREED:

- (a) That an electronic version of the draft ROWIP Action Plan 2011-16 be circulated to members for comment and that members be requested to contact Mr McWilliam if they have comments before the end of the month; **EM**
- (b) That, if necessary, a subgroup be established to consider the delivery of the actions in the plan; **EM**
- (c) That officers be requested to collate information relating to the Grass Verges Subgroup. **EM**

509. Workshop Update

The Forum received a brief update on the discussions which had taken place at the workshop held prior to the Forum meeting. The workshop considered elements of the draft ROWIP Action Plan, and a proposed priority system for lost ways. A note regarding lost ways was circulated at the meeting, a copy of which is filed with these minutes.

There had been insufficient time to discuss the Stepping Forward Stakeholder Working Group recommendations in detail at the workshop. In summary the Working Group had been tasked with being unanimous in its support of any recommendations it made. This had resulted in more contentious, but useful changes being disregarded.

The Stepping Forward Stakeholder Working Group report was available online at:

<http://naturalengland.etraderstores.com/NaturalEnglandShop/NECR035>

It was expected that further progress would be made on the matter when the Government's Natural Environment White Paper was published; which was expected to review the procedures involved support greater involvement by local communities.

AGREED:

That officers be requested to circulate the note on lost ways with the minutes.

PH

510. Rights of Way Training Events

The Forum was advised of the following upcoming training events during 2011:

19 September (7.30pm to 9pm) – Introduction to Rights of Way
3 October (7.30pm to 9pm) – Historic Maps and Research
31 October (7.30pm to 9pm) – Rights of Way Promotional Events

Events were aimed at Heritage Wardens and members of the Forum. Attendees were required to book their place by contacting Liz Blood at (0116 3056197). Booking arrangements would be on a first come first serve basis.

AGREED:

That the schedule of training events be noted.

511. Bardon Hill Quarry

The Forum considered a presentation by Mr McWilliam updating members on arrangements with regard to Bardon Hill Quarry development.

Members were reminded that the Bardon Hill Quarry planning application was one of the largest submitted to the County Council. At an early stage members of the Forum had been invited to visit the site. Since this time officers had been working with Bardon Aggregate representatives to minimise disruption and make improvements to the rights of way network in the area where possible.

Arising from discussion the following points were noted:

- Changes to the rights of way network included the establishment of a route from East to West, North of the development and from North to South, North East of the development in year 3; these changes had previously been requested by the Forum;

- Discussions were ongoing regarding the future management of the access areas;
- Concern was expressed about the location of vehicles entering the site given the frequency and volume of traffic expected to visit the development;
- Officers were thanked for their hard work in ensuring that rights of way were appropriately managed throughout the process and in the future.

AGREED:

That the presentation be noted.

512. Correspondence

Barrow Crossing

With reference to the article in the Forum's Annual Report regarding Barrow Crossing, a response had been sent to someone who had concerns.

Richard Benyon

The Forum considered a letter sent to the MP Richard Benyon in response to his letter dated 5 April 2011. A copy of the Forum's response is filed with these minutes marked 'B'.

Rachel Alcock

The Forum considered the covering letter of a petition sent by Ms Alcock of the Rambler's Association to Mrs Pendleton CC, as the County Council's Lead Member for Environment and Transport. A copy of the letter is filed with these minutes marked 'C'. The Forum was advised that a response had been sent to Ms Alcock acknowledging receipt of the petition and advising her that rights of way officers would keep the petition on record for reference should a decision regarding the rights of way network be made by the County Council. The response to Ms Alcock also advised that any further responses which might be received would be collected by officers and that the petition would be brought to the attention of the Leicestershire Local Access Forum.

It was suggested that the petition had been sent as part of a wider national campaign by the Rambler's Association.

AGREED:

That the correspondence be noted.

513. Orders Updates

The Forum received a report advising of the current position with regard to various Public Path and Modification Orders. A copy of the report marked 'D' is filed with these minutes.

Members were advised that the report contained information on orders which were not yet subject to public consultation, hence in some cases an order number had not yet been assigned.

AGREED:

That the report be noted.

514. Agenda Items for the next meeting

Members who had items which they wished to discuss at the next meeting were invited to contact Mr Denney or Mr McWilliam.

ALL

515. Date of next meeting

It was noted that the next meeting of the Forum would be held on 17 November 2011 at 6pm.

[NOTE:- The date for the next meeting of the Forum was incorrectly reported as 22 September 2011 at the meeting; this error has been corrected in this record]

6.00 – 8.25
4 August 2011

Chairman